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SPECIAL INVESTIGATION REPORT
ON
DISCIPLINARY HEARING UNIT
MINNESOTA CORRECTIONAL FACILITY
ST. CLOUD, MN

Theartrice Williams
Ombudsman

Ombudsman for Corrections
State of Minnesota
St. Paul, Minnesota

June 4, 1980

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STATE OF MINNESOTA
OMBUDSMAN FOR CORRECTIONS
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February 27, 1980

Mr. William McRae, Superintendent
Minnesota Correctional Facility-SCL
St. Cloud, MN 56301

Dear Mr. McRae:

Over a fairly extensive period of time, our office has received complaints about the disciplinary due process system at St. Cloud. Many of the complaints related to the high incidence of inmates waiving their hearings. In addition, there have been concerns raised about the composition of the hearing panel.

As a result of some of the complaints we have received and out of our own concern for the due process hearing, I have decided to make a brief study of the due process hearing system at St. Cloud. Ms. Linda Whaylen from my office will be collecting data for the study.

Ms. Whaylen will be interviewing a random sample of inmates who have had reports processed through the due process system. She also will need to interview select staff (members of the hearing panel and investigators for the due process hearings).

If you have any questions concerning this matter, please feel free to contact me.

Your cooperation will be greatly appreciated. You will be provided with a copy of this study prior to sharing it with anyone else.

Sincerely,

T. Williams
Ombudsman

TW:hh

cc: Don Cooper

TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
Findings, Conclusions and Recommendations.....	2
Description of Disciplinary Unit.....	6
Area and Method of Study.....	6
Data Analysis.....	7
SCL-STW Comparison.....	Chart I
Disciplinary Reports by Race.....	Table I
Disposition of Reports.....	Table II
Inmates Interviewed.....	Table III, IV
Disposition of Reports By Race.....	Table V
Summary of Hearing Panelists' Interviews.....	Table VI
Inmates Signing Waivers.....	Appendix A
Inmates Found Guilty By Hearing.....	Appendix B
Interview Schedule for Hearing Panelist.....	Appendix C
Interview Schedule for Investigators.....	Appendix D
Inmate Interview Schedule.....	Appendix E

INTRODUCTION

On February 27, 1980 the Ombudsman announced in a letter to Superintendent William McRae that his office would conduct a "brief study of the due process hearing system" at St. Cloud.

The decision to conduct the study was made after receiving a significant number of inmate complaints over the years. The complaints about the disciplinary system at St. Cloud intensified after a cell-hall disturbance in December 1979.

The individual complaints varied considerably, but generally focused on the issues of justice and fair play. The inmates did not believe they were being treated fairly. The minority inmates, especially blacks, were alleging racial discrimination. They made two distinct allegations. First, they believed they were being singled out by the staff and given disciplinary reports far more often than the white inmates, and secondly, they claimed that they were more likely to be found guilty of the charges than the white inmates.

This report is not offered as an exhaustive study and evaluation of due process at St. Cloud. It is a brief study of the disciplinary process which will reveal valuable information that hopefully can be put to constructive use by the administration.

The study is organized as follows: a brief introduction of findings, conclusions and recommendations; description of disciplinary unit, area and method of study; discussion and display of data.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS:

1. Finding: There were 1383 disciplinary reports written in the six month period covered by this study involving 412 individuals. This indicates that approximately 68% of the inmate population at St. Cloud received disciplinary reports. Whereas at Stillwater, during the same period of time, 379 disciplinary reports were written involving 341 individuals. The frequency of written disciplinary reports at St. Cloud is more than 3½ times that of Stillwater, despite the fact that St. Cloud had 500 fewer inmates than Stillwater.

Conclusion: Officers write far too many disciplinary reports. They rely too heavily on the written report as the principle means to control inmate behavior.

Recommendation: Appropriate steps should be taken to reduce the number of disciplinary reports officers write. They should be encouraged to use alternative means to correct inmate behavior. This may be accomplished through inservice training both on the job and at the Training Academy.

2. (a) Finding: 93% (1288) of the disciplinary reports were disposed of by having inmates sign waivers. This compares with 53% (200) at Stillwater.

Conclusion: The high incidence of report writing created pressure on the part of the administration and inmates to dispose of an overwhelming majority of the reports by use of the waiver process. It would be extremely difficult, at the present rate of report writing, for the St. Cloud system to grant hearings in over 40% of the cases as is done at Stillwater.

(b) Finding: There was no significant difference between the penalty an inmate received after signing a waiver and that resulting from a hearing.

Conclusion: Staff investigators either were unaware of the minimal differences between penalties received following a waiver and those resulting from a hearing or over-emphasized that difference to create the impression that inmates who signed waivers were being given a special break. Exercising the waiver system in such a fashion can create problems of fairness, truth and credibility.

Recommendation: Stop emphasizing that an inmate receives a significant break on his sentence for signing a waiver. Explain carefully to the inmate his right to a hearing and that he will not be punished for exercising that right.

3. Finding: A total of 80 reports involving 55 individuals was processed for hearings. Another 15 cases were dismissed prior to a hearing. Of the cases heard, 20 resulted in finding of not guilty.

Conclusion: Persons not signing waivers fared much better than expected. It was not nearly as risky to insist on a hearing as inmates either believed or were told it would be.

4. Finding: Black inmates received 27% of the reports written, Indians 10%, Whites 62%, and Other 1%.

Conclusion: Blacks received a disproportionate share of the disciplinary reports. Indians, too, were disproportionately represented but not nearly to the extent of the blacks. Blacks represent 16% of the population at SCL and Indians 8.5%. Staff's lack of knowledge and understanding of certain cultural and ethnic characteristics of black and Indian inmates may affect their perception of inmate behavior.

Recommendation: Training for staff in race and human relations. Again, training should stress alternative means for correcting inmate behavior, particularly for some of the lesser rules in-

fractions.

5. Finding: Black inmates received 21% of the hearings granted while receiving 27% of the reports; Indians received 10% of the hearings as well as 10% of the reports; White inmates received 68% of the hearings granted while receiving 62% of the reports.

Conclusion: Black inmates appear more likely to sign waivers once they have received reports than either Whites or Indians.

6. Finding: Thirty-five percent of the Black inmates who had hearings were found not guilty compared to 25% for Indians and 20% for Whites.

Conclusion: More black inmates should opt for hearings. They fair extremely well when the evidence against them is reviewed at a hearing.

7. Finding: (a) Approximately 35 different staff members (28 were interviewed) served on at least one disciplinary hearing panel. Represented in that number were correctional counselors, caseworkers, shop foremen, vocational instructors, sgt., etc. All but two of the panelists had served on more than one panel, three had served on 20 panels. The median number of panels served on was 4.5.

Conclusion: There are too many different people from too many different areas of the institution serving on disciplinary panels. Their responsibilities and priorities are elsewhere in the institution. This can create problems of consistency and continuity. The pressures on the disciplinary hearing system will increase when the system must assume the responsibility for administering discipline in relation to the loss of good time under the new sentencing legislation. With so many different people involved, the problem of consistency and continuity are likely to be exacerbated.

(b) Finding: Seventy-five percent of the panelists had either written or caused disciplinary reports to be written on inmates at one time or another; 39% had supervised who had written reports on inmates appearing before their panel; 8 of the panelist interviewed were caseworkers of inmates appearing before their panel (only one disqualified himself).

Conclusion: The composition of the panels has an obvious "conflict of interest" appearance. Panelists should not have such a direct relationship with the writing or writer of the disciplinary report; nor should there be a relationship with the inmate, e.g. his caseworker. Either or both of these relationships make it very difficult for the panelist to have the kind of objectivity required to make a fair and just decision. With the additional responsibility of having to decide how much "good time" an inmate will lose when convicted of a disciplinary charge, it becomes even more important to avoid a conflict of interest situation. It will not be enough to avoid conflict of interest in fact, there must also not appear to be a conflict.

c. Finding: 89% of the panelist interviewed believed that there were conditions under which one should be disqualified from serving on a disciplinary panel; 32% disqualified themselves from serving on a particular panel.

Conclusion: Panelist do believe that there are some factors that should disqualify persons from serving on a disciplinary panel. It may be appropriate to say that conflicts of interest would be included among those factors. However, the behavior of the panelists is not consistent with their beliefs.

Recommendation: Reorganize the disciplinary unit. Eliminate the multiple member rotating hearing panel and create a unit with 3 permanent hearing officers similar to the current arrangement for the chief hearing officer. Give the hearing unit the authority to

sit either as a full panel of 3 members or as a panel of one or two depending on the circumstances of the case(s) to be considered.

Description of Disciplinary Unit:

The disciplinary due process hearing unit has been in operation at St. Cloud since 1973. It is structured differently from the system at Stillwater. At Stillwater there are three permanent full time hearing officers who conduct the hearings and may sit as a panel of 3, 2 or 1. At St. Cloud there is a 3 member panel which includes one permanent full time hearing officer. The other two members are chosen from the institutional staff on a rotating basis. One of the two must come from custody.

The St. Cloud system is a blend of the old classification team with the due process hearing unit. Prior to the court's due process consent decree of 1973, all disciplinary charges were the responsibility of the classification teams. These teams always involved the inmate's caseworker which probably explains the continued involvement of caseworkers in the disciplinary process. The disposition of disciplinary charges were considered as a part of the inmate treatment plan.

The present structure of the St. Cloud system reflects an earlier apprehension and skepticism on the part of the staff and administration with due process. They questioned how well it would work.

Area and Method of Study:

This report covers the period from June 1, 1979 through November 30, 1979. It examines all of the disciplinary reports written during that period of time. It focuses on the number of reports written, the nature and disposition of those reports, the racial distribution of reports and the composition of the hearing panel.

The method of study involved review of institutional disciplinary records and personal interviews. Most of the statistical data was secured from the records maintained in the disciplinary unit office. This data was augmented by personal interviews with 40 inmates randomly selected from those receiving disciplinary reports during the study period, 28 members of hearing panels and two staff investigators. Steps were taken to safeguard the identity of the people interviewed. Names were not used on the questionnaires administered by the interviewer. The data is reported in aggregate form. Copies of the interview schedules are contained in the appendix of this report. The data on Stillwater was secured from the Stillwater disciplinary unit and Department of Corrections.

Data Analysis:

Chart I shows a comparison between St. Cloud and Stillwater of the disciplinary reports written and waivers signed. The contrast is remarkable. St. Cloud issued more than 3½ times as many disciplinary reports as Stillwater with only 55% of the prison's population. In the case of waivers, the disparity is even greater. Inmates at St. Cloud signed almost 6½ times as many waivers as did inmates at Stillwater.

The differences between St. Cloud and Stillwater reflect, in part different administrative philosophies and styles of management. The age difference in the inmate population cannot account for the great disparity in the report writing, nor do the inmates at St. Cloud violate the institutional rules that much more frequently than Stillwater inmates. This may mean that there are different attitudes toward the rules at Stillwater and St. Cloud. The tendency on the part of St. Cloud officers is to write first and ask questions later.

Table I, Disciplinary Reports by Race, reflects the disparity that exists between black and other inmates. Blacks represented slightly over 16% of the inmate population yet received over 27% of the disciplinary reports. Indian inmates received disciplinary reports much closer to their percentage of the population (9.8 to 8.6).

The black inmates who complained that they were written up more often than white inmates had a legitimate claim. They contended that the excess reports received by blacks were racially motivated. This report was not designed to establish whether or not the disparity in reports received by blacks was due to race. What it does do is cite the disparity for the administration's careful review and examination.

Black inmates have often complained that, because of the white correctional officers' lack of knowledge and understanding of black people and their cultural differences, much of their institutional behavior is misunderstood. This misunderstanding seems often to lead to disciplinary reports. Sometimes these reports are written without first confronting the inmates with the allegations.

The problem for blacks appears to be more with receiving a disciplinary report than the disposition of that report. Table V shows that black inmates who were granted hearings stood a better chance than either white or Indian inmates of being found not guilty.

The interview sample of inmates was quite representative of the group receiving disciplinary reports. Blacks represented 25% of the sample group, whites 65% and Indians 10%.

Of the inmates in the sample group, 95% signed waivers compared to

a 97% signing rate for the total group. All of the inmates included in the 5% of the sample group who did not sign waivers had their cases dismissed prior to a hearing. (See Table III)

In the sample group, the inmates felt pressured into signing waivers (55%) but not to the extent that might have been expected. However, in responding to the question "do you believe you received lesser punishment by signing the waiver than if you had been found guilty in a hearing", 89% of the inmates said "Yes"--quite different from the 55% who felt pressured. (See Table IV) Whether an inmate feels pressured could be a question of perception. An inmate may not perceive the pressure involved in making a decision that is believed to be less detrimental to him.

An effort was made to interview all of the staff who had served on disciplinary hearing panels. Of approximately 35 staff members who had served, we were able to interview 28. Table VI shows the results of those interviews.

The responses to questions numbers 4 and 5 are indicative of conflicts of interest. By that we mean that the nature of the relationship which existed between the panelist, the defendant (inmate) and the charging officer makes it most difficult to reach an objective decision. The caseworker traditionally is seen as a person who is assigned to assist the inmate in resolving his problems. That person should be viewed as a counselor, assistant or representative who may become involved in helping the inmate understand why he was punished, but should not be involved in administering the punishment.

The panelists seemed to be aware that certain conditions could prevail that should disqualify a member from serving. However, the number of self-disqualifications did not equal the number of people who were apparently eligible for disqualification.

A comparison of the sentences received by inmates signing waivers

(appendix A) with those sentenced as a result of hearings did not show a marked difference in severity. Nor did it show that exceptionally long sentences were given. (see Appendix A & B)

SCL - STW COMPARISON

REPORTS TOTALS
 SCL=1383; STW=379
 WAIVERS SCL=1288; STW=200

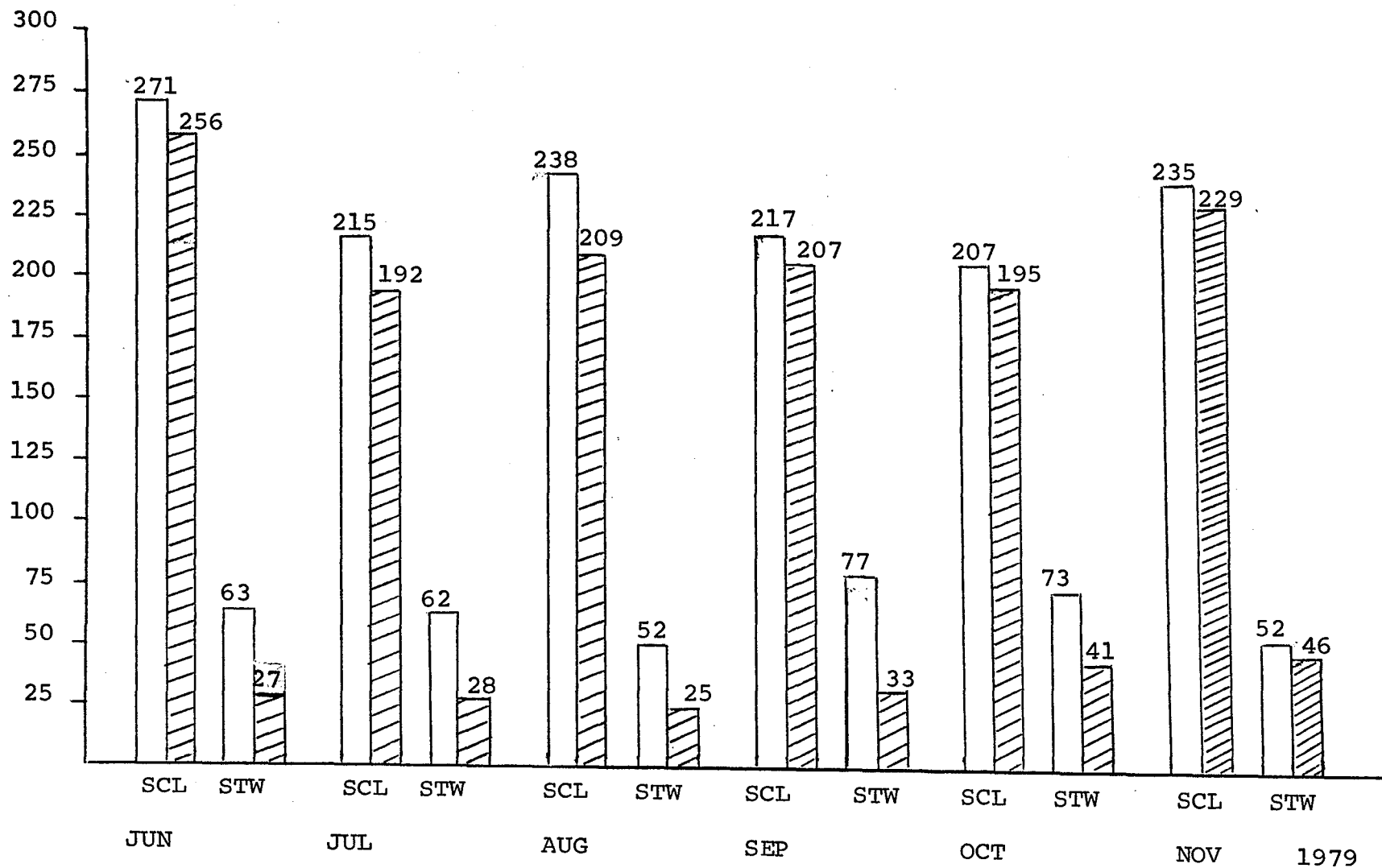


CHART I

DISCIPLINARY REPORTS BY RACE

MCF-SCL JUNE-NOV. 1979

	TOTAL REPORTS	BLACK	% OF TOTAL	WHITE	% OF TOTAL	INDIAN	% OF TOTAL	OTHER	% OF TOTAL
JUN	271	92	34	152	56	24	9	3	1
JUL	215	49	23	133	62	31	14	2	1
AUG	238	65	27	152	64	20	8	1	--
SEP	217	52	24	145	67	18	8	2	1
OCT	207	59	29	129	62	19	9	0	--
NOV	235	61	26	150	64	23	10	1	--
OVERALL	1383	378	27.3	861	62.3	135	9.8	9	.6

MCF - SCL POPULATION BY RACE
(as of January 1, 1980)

TOTAL	BLACK	%	WHITE	%	INDIAN	%	OTHER	%
607	99	16.3	451	74.3	52	8.6	5	.8

Table I

DISPOSITION OF REPORTS

MCF-SCL JUNE-NOV. 1979

	TOTAL REPORTS	WAIVERS SIGNED	% OF TOTAL	HEARINGS GRANTED	% OF TOTAL	DISMISSED w/o HEAR- ING	FOUND NOT GUILTY	% OF TOTAL
JUN	271	256	94.5	10	3.7	5 / 4		3.3
JUL	215	192	89.3	22	10.2	1 / 4		2.3
AUG	238	209	87.8	25	10.5	4 / 9		5.5
SEP	217	207	95.4	9	4.1	1 / 0		.5
OCT	207	195	94.2	9	4.3	3 / 2		2.4
NOV	235	229	97.4	5	2.1	1 / 1		.9
OVERALL	1383	1288	93.1	80	5.8	15 / 20		2.5

Table II

INMATES INTERVIEWED

# / RACE	% OF TOTAL	WAIVERS SIGNED	% OF TOTAL	HEARINGS GRANTED*	% OF TOTAL
10/BLACK	25	9	22.5	1	2.5
26/WHITE	65	25	62.5	1	2.5
4/INDIAN	10	4	10	0	0
TOTALS	40	38	95	2	5

* Both reports which were scheduled for hearings were dismissed.

Table III

	YES (%)	NO (%)	UNCERTAIN
1. Were you told of your right to a hearing? (at the time you were asked to sign a waiver)	33 (82%)	6 (15%)	1 (2%)
2. Were you told that you could have witnesses at you hearing?	24 (60%)	16 (40%)	
3. Did you feel pressured into signing a waiver?	22 (55%)	18 (45%)	
4. Do you believe you received a lesser punishment by signing the waiver than if you had been found guilty in a hearing?	34 (89%)	4 (11%)	

Table IV

SUMMARY OF
HEARING PANELISTS' INTERVIEWS

	YES (%)	NO (%)	UNCERTAIN
1. Have you written a disciplinary report on an inmate?	21 (75%)	7 (25%)	
2. Have you been a witness in a disciplinary hearing?	15 (54%)	13 (46%)	
3. Have you served on the panel of an inmate against whom you had caused a report to be written?	1 (4%)	27 (96%)	
4. Have you served on a panel where the report was written by someone you supervised?	11 (39%)	17 (61%)	
5. Have you served on a panel where you were the caseworker for the inmate?	8 (29%)	20 (71%)	
6. Have you ever disqualified yourself from serving on a panel?	* 9 (32%)	19 (68%)	
7. Do you believe there are conditions under which a panelist should either disqualify himself or be disqualified?	25 (89%)	3 (11%)	
8. Do you believe inmates should be represented by legal counsel at hearings?	23 (82%)	5 (18%)	
9. Does the presence of legal counsel make a difference in the findings and/or disposition?	20 (71%)	7 (25%)	1 (4%)

* Only one of those persons was a caseworker.

Table VI

DISPOSITION OF REPORTS BY RACE

MCF - SCL JUNE-NOV. 1979

	REPORTS	WAIVERS SIGNED	%	HEARINGS GRANTED	%	DISMISSED w/o HEAR- ING	FOUND NOT GUILTY	%
BLACK	378	359	28	17	21	2 / 6	13 / 30	
WHITE	861	796	62	54	68	11 / 11	73 / 55	
INDIAN	135	125	10	8	10	2 / 2	13 / 10	
OTHER	9	8	1	1	1	0 / 1	0 / 5	
TOTALS	1383	1288	101	80	100	15 / 20	99/100	

Table V

APPENDIX A

June 1, 1979 through November 30, 1979

INMATES SIGNING WAIVERS

<u>OFFENSE</u>	<u>SENTENCE</u>
Disrupting Count Disorderly Conduct	7 days loss of privileges
Disturbing others	28 days loss of privileges, 14 days suspended for 30 days.
Missing Switchout	14 days loss of privileges, sus- pended 60 days
Unauthorized control, possession or use of property, destruction, damage or alteration of property, possession of contraband	30 days seg, 25 days suspended for 60 days
Disobeying a direct order, wast- ing or taking food in excess of that allowed	300 days seg, 150 days suspended for one year
Disobeying a direct order	14 days loss of privileges, sus- pended for 30 days
Possession of contraband	60 days seg, 25 days suspended for 45 days
Use of intoxicants	30 days seg, 20 days suspended for 45 days
Unauthorized control, possession or use of property, possession of contraband	14 days seg, suspended 45 days
Disobeying a direct order	14 days loss of privileges, sus- pended for 45 days

APPENDIX A

<u>OFFENSE</u>	<u>SENTENCE</u>
Lock in Cells	14 days seg, suspended for 90 days
Verbal Abuse, Disorderly Conduct	20 days seg, 10 days suspended for 30 days
Missing Switchout	14 days loss of privileges, suspended for 45 days
Possession of Contraband, Disorderly Conduct	14 days seg, suspended for 45 days
Being in an Unauthorized Area	90 days seg, 45 days suspended for 45 days
Disobeying a Direct Order	14 days loss of privileges, suspended for 30 days
Loitering	7 days loss of privileges, suspended for 60 days
Missing Switchout	14 days loss of privileges, suspended for 45 days
Possession of Contraband	30 days seg, 25 days suspended for 30 days
Missing Switchout	14 days loss of privileges, suspended for 60 days
Possession of Contraband	30 days seg, 20 days suspended for 45 days
Disobeying a Direct Order	21 days seg, 14 days suspended for 45 days
Disturbing Others	14 days loss of privileges, suspended for 45 days

APPENDIX A

<u>OFFENSE</u>	<u>SENTENCE</u>
Disobeying a Direct Order and Loitering	14 days loss of privileges, suspended for 30 days
Disturbing Others	14 days loss of privileges, suspended for 30 days
Unauthorized Control, Possession or Use of Property	14 days seg, suspended for 60 days
Smoking in Unauthorized Area	14 days loss of privileges, suspended for 60 days
Missing Switchout	14 days loss of privileges, suspended for 30 days
Missing Switchout	14 days loss of privileges, suspended for 45 days
Disorderly Conduct	7 days seg, 3 days suspended for 30 days
Being in an Unauthorized Area	30 days seg, 15 days suspended for 30 days
Loitering	14 days loss of privileges, suspended for 45 days
Unauthorized Control, Possession or Use of Property, Possession of Contraband	30 days seg, 45 days suspended for 45 days
Disobeying a Direct Order, Disorderly Conduct	14 days loss of privileges, suspended for 30 days
Loitering	7 days loss of privileges
Possession of Contraband	14 days seg, suspended for 60 days

APPENDIX A

<u>OFFENSE</u>	<u>SENTENCE</u>
Disobeying a Direct Order, Disorderly Conduct	7 days loss of privileges
Being in an Unauthorized Area, Verbal Abuse	21 days seg, suspended for 90 days
Malingering	14 days seg, suspended for 60 days

APPENDIX B

June 1, 1979 through November 30, 1979

INMATES FOUND GUILTY BY HEARING

<u>OFFENSE</u>	<u>SENTENCE</u>
Disorderly Conduct	7 days loss of privileges
Possession of Contraband	30 days seg suspended for 60 days plus pickup 14 days LOP from previous report
Use of Intoxicants, Accessory, Possession of Contraband (Above is from one report)	30 days seg with 25 days suspended for 30 days after release
Possession of Contraband	14 days seg suspended for 30 days
Disobeying a Direct Order, Unauthorized Area, Refusing to Work	60 days Seg with 30 suspended for 30 days following release plus pickup 20 days seg hanging from 5/29/79
Possession Contraband	45 days seg suspended for 90 days
Interference, Possession Contraband	60 days seg with 30 suspended for 30 days after release
Possession Contraband	*Findings same as above
Possession of Contraband	30 days seg with 25 days suspended
Disobeying a Direct Order, Unauthorized Area	30 days seg with 15 days suspended for 45 days after release
Verbal Abuse	20 days seg plus pick up 10 days suspended on 7/11/79 to run consecutively

APPENDIX B

<u>OFFENSE</u>	<u>SENTENCE</u>
Disobeying a Direct Order	14 days seg with 7 days suspended for 30 days following release plus pickup 15 days seg hanging; consec.
Disobeying a Direct Order, Verbal Abuse	Pick-up 14 days seg suspended 6/22/79; and on these charges 14 days seg suspended for 30 days following abuse
Disobeying a Direct Order	7 days loss of privileges
Unauthorized Control, Possession or Use of Property	15 days seg concurrent
Possession of Contraband	60 days with 30 days suspended for 30 days following release, pick-up 15 days suspended 7/2/79 - 45 days total
Disturbing Others	5 days seg and 14 days lop suspended for 30 days
Verbal Abuse, Threatening Others, Disorderly Conduct	60 days seg with 15 days suspended for 30 days following release
Disorderly Conduct	14 days seg suspended for 45 days
Contraband, Use of Intoxicants	30 days seg suspended for 30 days following release; pick-up 40 days seg suspended on 7/20/79
Unauthorized Control, Possession or Use of Property	30 days seg to be suspended 60 days following release from seg
Destruction; Damage or Alteration of Property	7 day loss of privileges
Unauthorized Control, Possession or Use of Property, Possession Contraband, Smuggling	15 days seg with 8 suspended for 60 following release; (same for two other) and sentence to run consec. to each other and to present sentence

APPENDIX B

<u>OFFENSE</u>	<u>SENTENCE</u>
Disorderly Conduct	14 days lop suspended for 30 days
Possession Contraband	45 days seg - 20 suspended for 30 days
Assault, Conspiracy	21 days seg time credited for time served
Disorderly Conduct	15 days seg
Contraband	30 days seg with 25 days suspended
Possession of Contraband	7 days seg suspended for 60 days following release from seg
Possession of Contraband	27 days seg with 7 days suspended for 30 days following release
Unauthorized Area	14 days lop suspended for 30 days
Destruction, Alteration, Damage of Property	10 days seg to be served consecutively with existing sentence
Possession of Contraband	30 days seg suspended for 30 days
Unauthorized Control, Possession or Use of Property	7 days seg suspended 4 days for 30 days following release
Missing Switchout	21 days seg with 11 days suspended for 45 days after release
Unauthorized Control, Possession or Use of Property	14 days lop, pick up 21 days lop suspended on 8/7/79 total 35 days lop.
Disobeying a Direct Order, Unauthorized Area	21 days seg suspended for 60 days and 14 days lop

APPENDIX B

<u>OFFENSE</u>	<u>SENTENCE</u>
Disobeying a Direct Order, Unauthorized Control, Possession or Use of Property, Assault	30 days seg 17-30 days seg to be run consec. total - 90 days seg
Verbal Abuse	15 days seg suspended for 30 days
Disorderly Conduct Disobeying a Direct Order	30 days set) to be run consecutively <u>60 days seg)</u> 90 days suspended 30 days for 30 days following release Credit one day
Destruction, Damage or Alteration of Property	14 days seg suspended for 30 days
Possession Contraband	30 days seg with 25 days suspended for 30 days following release *TIME REDUCED
Contraband	60 days seg with 30 days suspended for 60 days
Disobeying a Direct Order, Loitering	14 days lop to be served following his release from seg to pick up sus- pended sentence of 7 days seg on 8/7/79
Missing Switch-out	14 days lop
Disorderly Conduct	14 days lop suspended for 60 days, pickup the 14 days lop suspended on 8/29/79
Possession Contraband Possession Contraband Disorderly Conduct	14 days lop 14 days lop 30 days seg with 10 days suspended for 30 days
Verbal Abuse	21 days seg
Disorderly Conduct	20 days seg

APPENDIX B

<u>OFFENSES</u>	<u>SENTENCE</u>
Destruction, Damage or Alteration of Property	50 days seg
Verbal Abuse	14 days seg suspended for 90 days
Threatening Other	7 days seg suspended for 90 days
Disobeying a Direct Order	30 days seg with 15 days suspended for 30 days after release
Refusing to Work	15 days seg
Possession of Contraband	21 days lop suspended for 30 days following release from seg; and pick-up 14 days seg hanging from 10/26/79
Interference with Personnel in Course of Duties	45 days seg with 15 days suspended for 45 days
Unauthorized Control, Possession or Use of Property	15 days seg
Disorderly Conduct	30 days seg suspended for 30 days
Assault	230 days seg with 50 days suspended for 60 days following release, pick-up 50 days seg and 30 days seg to run consecutively
Disorderly Conduct	30 days seg suspended for 30 days

APPENDIX C
INTERVIEW SCHEDULE FOR HEARING PANELIST

Date _____

1. Job assignment _____
2. How long on job _____
3. Have you ever written a disciplinary report on an inmate? _____
4. Have you ever been a witness in a disciplinary hearing _____
For or against an inmate? _____
5. Have you ever served on panel of inmate against whom you had
caused a report to be written? _____
6. Have you ever served on a panel where the report written is someone
you supervised? _____
7. Have you ever served on panel where you were the caseworker for the
inmate? _____
8. Have you ever disqualified yourself from serving on a panel? _____
9. Do you believe there are conditions under which a panelist should
either disqualify himself or be disqualified? _____
10. Do you believe inmates should be represented by legal counsel at
hearings? _____. Does it make a difference in the findings
and/or disposition? _____. If so, why _____

11. How many panels have you served on during the past year? _____

APPENDIX D

INTERVIEW SCHEDULE FOR INVESTIGATORS

Date _____

1. How long have you been an investigator? _____

2. Who is your supervisor? _____

3. Do you ever make recommendations to the hearing panel on the cases you investigate? _____ Have you ever advised against prosecuting an inmate in disciplinary court? _____

4. Do you ask inmates to waive their rights to a hearing? _____

How often do you make such a request _____

Are there cases in which you would never make a request? _____

At what point in your investigation is the request for waiver made? _____

How often do inmates refuse to sign a waiver _____

What do you tell an inmate he may expect if he does not sign a waiver? _____

Are you authorized to tell him that? _____

Do you have any kind of quota self imposed or otherwise that you strive for on waivers? _____

Do you believe that you pressure inmates into signing waivers? _____

Are you pressured to get inmates to sign waivers? _____

Have you ever had an inmate sign a waiver and it was later discovered that he was not guilty of the offense(s) for which he was charged? _____ If so, what did you do? _____

APPENDIX E

INMATE INTERVIEW SCHEDULE

Date _____

1. Date of Disciplinary Hearing _____

waiver Signed..... Yes _____ No _____

2. Composition of Hearing Panel _____

4. Findings: Guilty _____ Not Guilty _____

5. Disposition: Segregation _____

Loss of privileges _____

Suspended Sentence _____

Were you asked to sign a waiver? _____ By Whom? _____

How long after receiving your charges were you asked to sign a
waiver? _____.

Were you told at the time of your right to a hearing? _____

What, if anything, were you told would happen if you did not sign a
waiver? _____

Were you told that you could have witnesses at your hearing? _____

Do you believe you received a lesser punishment by signing the
waiver than if you had been found guilty in a hearing _____

Did you feel pressured into signing a waiver? _____ If so, how? _____

-INMATE INTERVIEW SCHEDULE

Were you represented by counsel at your hearing? _____

Did you know the members of your hearing panel? _____

Did any member work in your cell house? _____ In what
capacity? _____

Have you ever had your caseworker serve as a member of your
hearing panel? _____

Have you ever requested a member of your hearing panel to
disqualify himself? _____. For what reasons? _____

